

Appl. No. : 10/020,853
Filed : December 11, 2001

REMARKS

In response to the Office Action mailed September 13, 2005, Applicant respectfully requests the Examiner to reconsider the above-captioned patent application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 1-17, 27-39, 43-89 and 91-95 remain pending. Claims 27 and 70 have been amended, and new Claim 95 has been added.

In the Office Action mailed September 13, 2005, the Examiner disposed of the claims as follows:

CLAIM NOS.	DISPOSITION/REJECTION		
	BASIS	PRIMARY REFERENCE	SECONDARY REFERENCE(S)
1-17, 31-39, 43-69, 94	Allowed		
27-30	112 ¶ 2	n/a	n/a
70-89, 91-93	103(a)	Sarfarazi US 6,488,708	n/a

Claims 27-30

Claims 27-30 stand rejected as depending from a cancelled claim. In response, Applicant has amended claim 27 so that it depends from claim 1, and has added the necessary antecedent bases for other limitations in the claims. Claims 27-30 are now believed to be allowed, as amended.

Applicant notes that claims 27-30 (as well as 44-45) were indicated as being withdrawn in prior office actions. Applicant assumes that the Examiner has reinstated these claims in view of the allowable subject matter, and has changed their designation from "Withdrawn" to "Previously Presented."

Claims 70-89, 91-93

The Examiner rejected claims 70-89 and 91-93 in view of Figures 13 and 14 of Sarfarazi '708. The Examiner indicated that the intermediate lens of Sarfarazi could be considered a posterior optic since it was rearward of the anterior optic. In response, Applicant has amended

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claim 70 to recite that the posterior optic is the “posterior-most optic in [the] intraocular lens.” This limitation cannot be met by Sarfarazi’s intermediate lens.

New Claim 95

Applicant has added new claim 95 which defines a method of implanting a lens by providing a lens having the characteristics defined by claim 70 (prior to amendment) and implanting it so that the posterior lens is juxtaposed with the posterior of the capsular bag. This limitation also cannot be met by Sarfarazi’s intermediate lens.

Amendment to the Specification

The textual descriptions of Figures 18 and 19 contain a minor, obvious error in paragraph 0116, in that the angles shown at the bottom of the lens system of Figures 18 and 19 are described as being substantially equal. Obviously, they are not. Indeed, the remainder of the description makes it abundantly clear that what is being described is a lens having asymmetry as viewed from the side, and that is exactly what the Figures depict. The correction to the specification made above properly describes the angles as being unequal, and makes the corrected portion consistent with the other text that describes Figures 18 and 19, as well as with the Figures themselves.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner’s rejections and each of the Examiner’s assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as

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founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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